# Healthy Iowans Tobacco Trust Senate Study Bill 3295

Proposed Action:

Senate Appropriations Committee

An Act relating to and making appropriations from the Healthy Iowans Tobacco Trust and the Tobacco Settlement Trust Fund, and providing for the repeal of the Healthy Iowans Tobacco Trust, and providing effective dates.

### **Fiscal Services Division**

Legislative Services Agency

#### NOTES ON BILLS AND AMENDMENTS (NOBA)

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# EXECUTIVE SUMMARY NOTES ON BILLS AND AMENDMENTS

#### SENATE STUDY BILL 3295 HEALTHY IOWANS TOBACCO TRUST

#### **FUNDING SUMMARY**

MAJOR INCREASES, DECREASES, AND TRANSFERS OF EXISTING PROGRAMS

SIGNIFICANT CHANGES TO THE CODE OF IOWA

EFFECTIVE DATE

- Appropriates \$35.1 million from the Healthy Iowans Tobacco Trust (HITT) for various health-related appropriations. This is a decrease of \$35.0 million compared to the estimated FY 2008 appropriations.
- Makes the following Healthy Iowans Tobacco Trust increases or decreases for FY 2009:
- **Department of Human Services:** Appropriates a total of \$4.2 million, a net decrease of \$35.3 million compared to the estimated FY 2008 appropriation. This includes a \$35.4 million decrease for Medicaid. (Page 1, Line 10)
- *Department of Public Health:* Appropriates \$23.8 million, a net decrease of \$40,200 compared to the estimated FY 2008 appropriation. This includes:
  - \$40,000 decrease to eliminate funding for the Automated Defibrillator Grant Program.
  - \$200 decrease for smoking cessation products. (Page 1, Line 23)
- **Department of Corrections:** Appropriates \$4.2 million to Judicial District Departments of Correctional Services, and the Fort Madison Correctional Facility. This is a net increase of \$168,000 compared to the estimated FY 2008 appropriation that includes:
  - \$138,000 increase to regionalize the Drug Court Programs in Black Hawk, Dubuque, and Buchanan Counties in Community-Based Corrections District I. (Page 5, Line 5)
  - \$30,000 for a transitional housing pilot project. (Page 6, Line 23)
- *Department of Education:* Appropriates \$2.7 million, an increase of \$200,000, for Before and After School Programs. (Page 8, Line 1)
- Provides for the elimination of the HITT Fund and the Endowment for Iowa's Health Account. Provides for any remaining funds to be transferred to the General Fund at the end of FY 2009. (Page 8, Line 25 through Page 12, Line 16)
- Provides that the statutory sections relating to the repeal of the HITT and the dissolution of the Tobacco Authority are effective June 30, 2009. (Page 12, Line 17)

LSB5008S

LSB5008S provides for the following changes to the  $\underline{\text{Code of lowa}}$ .

Page #	Line #	Bill Section	Action	Code Section	Description
8	11	6	Nwthstnd	Sec. ALL	Endowment for Iowa's Health Account Transfer
8	25	8	Repeals	Sec. 12E.2(5)	Repeals Definition of HITT
8	27	9	Amends	Sec. 12E.2(10)	Technical Correction
9	1	10	Amends	Sec. 12E.3(2)(a)	Technical Correction
9	7	11	Adds	Sec. 12E.3A	Endowment For Iowa's Health Account
9	26	12	Amends	Sec. 12E.9(1)(b)(3 & 6)	Technical Correction
10	11	13	Amends	Sec. 12E.10(1)(a)(3)	Technical Correction
10	16	14	Amends	Sec. 12E.11(1)	Technical Correction
11	5	15	Amends	Sec. 12E.12(1)(b)(2)	Corrections Related to Elimination of HITT
11	34	16	Amends	Sec. 12E.17	Dissolution of the Tobacco Authority
12	16	17	Repeals	Sec. 12.65	Repeals HITT
12	21	19	Nwthstnd	Sec. ALL	HITT and Endowment Reversion

1 27 equivalent positions:

1 1 DIVISION I 1 2 HEALTHY IOWANS TOBACCO TRUST == APPROPRIATIONS	
Section 1. HEALTHY IOWANS TOBACCO TRUST == APPROPRIATIONS TO DEPARTMENTS. There is appropriated from the healthy lowans tobacco trust created in section 12.65 to the following departments for the fiscal year beginning July 1, 2008, and rending June 30, 2009, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:	Healthy lowans Tobacco Trust (HITT) Fund appropriations for FY 2009.
<ul> <li>1 10 1. To the department of human services:</li> <li>1 11 a. For child and family services including for</li> <li>1 12 reimbursement of adoption, independent living, shelter care,</li> <li>1 3 and home studies services providers, and other service</li> <li>1 4 providers under the purview of the department of human</li> <li>1 5 services:</li> <li>1 6</li></ul>	Healthy Iowans Tobacco Trust appropriation to the Department of Human Services (DHS) for Child and Family Services.  DETAIL: Maintains the current level of funding.
<ul> <li>1 17 b. To continue supplementation of the state supplementary</li> <li>1 18 assistance program including reimbursements for residential</li> <li>1 19 care facilities and in=home health services:</li> <li>1 20</li></ul>	Healthy Iowans Tobacco Trust appropriation to the DHS to supplement the State Supplementary Assistance Program.  DETAIL: Maintains the current level of funding.
1 21 c. For general administration of health=related programs: 1 22\$ 274,000	Healthy Iowans Tobacco Trust appropriation to the DHS for general administration of health-related programs.  DETAIL: Maintains the current level of funding.
<ul> <li>1 23 2. To the lowa department of public health:</li> <li>1 24 a. For the tobacco use prevention and control initiative,</li> <li>1 25 including efforts at the state and local levels, as provided</li> <li>1 26 in chapter 142A and for not more than the following full=time</li> </ul>	Healthy Iowans Tobacco Trust Fund appropriation to the Department of Public Health for tobacco use prevention and control initiatives.  DETAIL: This is a decrease of \$200 and an increase of 2.00 FTE positions compared to the estimated FY 2008 appropriation. Activities

positions compared to the estimated FY 2008 appropriation. Activities

PG LN	LSB5008S	Explanation
	\$ 5,928,265 FTEs 7.00	funded by this appropriation include:  1. Administration 2. Community partnerships 3. School programs 4. Enforcement 5. Youth summit (Just Eliminate Lies) 6. Counter-marketing 7. Cessation programs 8. Surveillance and evaluation
1 31 sufficient re 1 32 with tobacc 1 33 years of ag 1 34 the allocation	irector of public health shall dedicate esources to promote and ensure retailer compliance o laws and ordinances relating to persons under 18 e, and shall prioritize the state's compliance in on of available funds to comply with 42 U.S.C. and section 453A.2.	Requires the Director of the Department of Public Health to promote and ensure retailer compliance with tobacco laws.
2 2 paragraph " 2 3 utilized to pi 2 4 regulations, 2 5 entered into	full=time equivalent positions funded in this a", 2.00 full=time equivalent positions shall be rovide for enforcement of tobacco laws, and ordinances under a chapter 28D agreement between the lowa department of public health and be beverages division of the department of	Requires 2.00 FTE positions to be used jointly by the Department of Public Health and Alcoholic Beverages Division of the Department of Commerce for enforcement of tobacco laws.
2 9 more than \$	funds appropriated in this paragraph "a", not 525,759 shall be expended on administration and nt of the program.	Requires not more than \$525,759 of the appropriation for tobacco use prevention and control initiatives to be expended for administrative costs.  DETAIL: Maintains the current level of support.
2 12 less than 8	funds appropriated in this paragraph "a", not percent of the amount expended in the fiscal year luly 1, 2001, for community partnerships shall be	Requires a minimum of 80.00% of the funds expended in FY 2002 for Community Partnerships to be expended for the same purpose in FY 2009.

PG LN	LSB5008S	Explanation
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2 14 expended in the fiscal year beginning July 1, 2008, for that 2 15 purpose. Healthy Iowans Tobacco Trust appropriation to the Department of 2 16 b. For additional substance abuse treatment under the Public Health for substance abuse treatment. 2 17 substance abuse treatment program: 2 18 .....\$ 13.800.000 DETAIL: Maintains current level of support. 2 19 (1) The department shall use funds appropriated in this Requires the Department of Public Health to use the funds appropriated in this Subsection to enhance the quality of and expand 2 20 paragraph "b" to enhance the quality of and to expand the capacity to provide 24-hour substance abuse treatment programs. 2 21 capacity to provide 24=hour substance abuse treatment 2 22 programs. 2 23 (2) The department shall use funds appropriated in this Requires the Department of Public Health to use the funds 2 24 paragraph "b" to expand the length of individual client appropriated in this Subsection to expand the length of individual client substance abuse treatment plans. 2 25 substance abuse treatment plans, as necessary to reduce 2 26 program recidivism. 2 27 (3) The department shall use funds appropriated in this Requires the Department of Public Health to use the funds 2 28 paragraph "b" to share research=based best practices for appropriated in this Subsection to share research-based best practices for substance abuse treatment. 2 29 treatment with substance abuse treatment facilities. Requires the Department of Public Health to use the funds 2 30 (4) The department shall use funds appropriated in this appropriated in this Subsection to develop a results-based funding 2 31 paragraph "b" to develop a results=based funding approach for approach for substance abuse treatment services. 2 32 substance abuse treatment services. 2 33 (5) The department shall use funds appropriated in this Requires the Department of Public Health to use the funds 2 34 paragraph "b" to develop a program to encourage individuals appropriated in this Subsection to develop a mentoring program. 2 35 who are successfully managing their substance abuse problems 3 1 to serve as role models. 3 2 (6) The department shall submit a report annually by March Requires the Department of Public Health to report annually by March 3 3 1, to the governor and the general assembly delineating the 1 on the success rates of substance abuse treatment programs

PG LN	LSB5008S	Explanation
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<ul> <li>3 4 success rates of the substance abuse treatment programs that</li> <li>3 5 receive funding under this paragraph "b".</li> </ul>	receiving HITT funding for substance abuse treatment.
3 6 c. For the healthy lowans 2010 plan within the lowa 3 7 department of public health and for not more than the 3 8 following full=time equivalent positions: 3 9	Healthy Iowans Tobacco Trust appropriation to the Department of Public Health for Healthy Iowans 2010 initiatives.  DETAIL: Maintains the current level of support.
<ul> <li>3 11 (1) Of the funds appropriated in this paragraph "c", not</li> <li>3 12 more than \$1,157,482 shall be used for essential public health</li> <li>3 13 services that promote healthy aging throughout the lifespan,</li> <li>3 14 contracted through a formula for local boards of health, to</li> <li>3 15 enhance health promotion and disease prevention services.</li> </ul>	Requires a maximum allocation of \$1,157,482 for core public health functions, including home health care and public health nursing services.  DETAIL: Maintains the current level of support.
3 16 (2) Of the funds appropriated in this paragraph "c", not 3 17 more than \$387,320 shall be used for the continuation and 3 18 support of a coordinated system of delivery of trauma and 3 19 emergency medical services.	Requires a maximum allocation of \$387,320 for Emergency Medical Services (EMS).  DETAIL: Maintains the current level of support.
3 20 (3) Of the funds appropriated in this paragraph "c", not 3 21 more than \$600,000 shall be used for the state poison control 3 22 center.	Requires a maximum allocation of \$600,000 for the State Poison Control Center.  DETAIL: Maintains the current level of support.
3 23 (4) Of the funds appropriated in this paragraph "c", not 3 24 more than \$288,770 shall be used for the development of 3 25 scientific and medical expertise in environmental 3 26 epidemiology.	Requires a maximum allocation of \$288,770 for environmental epidemiology.  DETAIL: Maintains the current level of support.
3 27 (5) Of the funds appropriated in this paragraph "c", not 3 28 more than \$76,388 shall be used for the childhood lead 3 29 poisoning prevention program.	Requires a maximum allocation of \$76,388 for childhood lead poisoning prevention.  DETAIL: Maintains the current level of support.

3 31	d. For the center for congenital and inherited disorders established pursuant to section 136A.3:\$ 26,000	Healthy Iowans Tobacco Trust appropriation to the Department of Public Health for the Registry of Congenital and Inherited Disorders to study the causes and prevention of stillbirths.
		DETAIL: Maintains the current level of support.
3 34	e. For a grant program to provide substance abuse prevention programming for children: \$ 1,050,000	Healthy Iowans Tobacco Trust appropriation to the Department of Public Health for substance abuse prevention programs for children.  DETAIL: Maintains the current level of support.
4 2 4 3 4 4 4 5 4 6 4 7	(1) Of the funds appropriated in this paragraph "e", \$500,000 shall be utilized to provide funding for organizations that provide programming for children by utilizing mentors. Programs approved for grants under this subparagraph (1) shall be certified or will be certified within six months of receiving the grant award by the lowa commission on volunteer services as utilizing the standards for effective practice for mentoring programs.	Requires \$500,000 of the appropriation provided for substance abuse prevention programs for children to be used for programs that utilize mentors. Requires the programs that receive this funding to be certified within six months of receiving grants by the lowa Commission on Volunteer Services as using effective standards for mentoring programs.
4 10 4 11 4 12 4 13 4 14	(2) Of the funds appropriated in this paragraph "e", \$500,000 shall be utilized to provide funding for organizations that provide programming that includes youth development and leadership. The programs shall also be recognized as being programs that are scientifically based with evidence of their effectiveness in reducing substance abuse in children.	Requires \$500,000 of the appropriation provided for substance abuse prevention programs for children to be used to provide programs that include youth and character development, and leadership. Requires the programs to be recognized as scientifically-based with evidence of effectiveness in reducing substance abuse in children.
	(3) The lowa department of public health shall utilize a request for proposals process to implement the program under this paragraph "e".	Requires the Department of Public Health to issue a Request for Proposals (RFP) to determine grant recipients for the funds appropriated for substance abuse prevention programs for children.
4 19 4 20	(4) All grant recipients under this paragraph "e" shall participate in a program evaluation as a requirement for	Requires grant recipients of the funds appropriated for substance abuse prevention programs for children to participate in program

1	21	receiving grant funds.
4	۱ ک	receiving grant runus.
1	22	(5) Of the funds appropriated in this paragraph "e",
		\$50,000 shall be used to administer substance abuse prevention
4	24	grants and for program evaluations.
4	25	g. For providing grants to individual patients who have
4	26	phenylketonuria (PKU) to assist with the costs of necessary
		special foods:
		\$ 100,000
4	20	\$ 100,000
		h. For additional funding to leverage federal funding
		through the federal Ryan White Care Act, Title II, AIDS drug
4	31	assistance program supplemental drug treatment grants:
		\$ 275,000
		<del>*</del> = · •, • • •
4	33	i. For a grant to an existing national=affiliated
		organization to provide education, client=centered programs,
		and client and family support for people living with epilepsy
		and their families:
5	2	\$ 100,000
5	3	3. To the department of corrections:
5	4	\$ 4,174,474

evaluation.

Requires \$50,000 of the amount appropriated for substance abuse prevention programs for children to be used to administer prevention program evaluations.

DETAIL: Maintains the current level of support.

Healthy Iowans Tobacco Trust appropriation to the Department of Public Health for Phenylketonuria (PKU) assistance.

DETAIL: Maintains the current level of support.

Healthy Iowans Tobacco Trust appropriation to the Department of Public Health for the AIDS Drug Assistance Program.

DETAIL: Maintains the current level of support.

Healthy Iowans Tobacco Trust appropriation to the Department of Public Health for epilepsy education and support.

DETAIL: Maintains the current level of funding.

Healthy Iowans Tobacco Trust appropriation to the Department of Corrections for day programming, drug courts, transitional housing, and the Clinical Care Unit at Ft. Madison.

DETAIL: This is a net increase of \$168,000 compared to the estimated FY 2008 appropriation. The change includes:

- An increase of \$138,000 for Community-Based Corrections
   District I for drug court programs in Black Hawk, Dubuque, and
   Buchanan Counties.
- A new allocation of \$30,000 for transitional housing for offenders

on parole that are in the early stages of substance abuse recovery.

- 5 5 a. Of the funds appropriated in this subsection, \$366,216
- 5 6 is allocated to the first judicial district department of
- 5 7 correctional services. Of the funds allocated, \$100,000 shall
- 5 8 be used for community=based corrections, \$138,000 shall be
- 5 9 used to regionalize the drug court in Black Hawk, Dubuque, and
- 5 10 Buchanan counties, and \$128,216 shall be used to replace
- 5 11 expired federal funding for dual diagnosis offenders.
- 5 12 b. Of the funds appropriated in this subsection, \$406,217
- 5 13 is allocated to the second judicial district department of
- 5 14 correctional services. Of the funds allocated, \$100,000 shall
- 5 15 be used for community=based corrections, and \$306,217 shall be
- 5 16 used to replace expired federal funding for day programming
- 5 17 and to replace expired federal funding for the drug court
- 5 18 program with \$50,000 of this amount being used for substance
- 5 19 abuse treatment.
- 5 20 c. Of the funds appropriated in this subsection, \$200,359
- 5 21 is allocated to the third judicial district department of
- 5 22 correctional services. Of the funds allocated, \$100,000 shall
- 5 23 be used for community=based corrections, and \$100,359 shall be
- 5 24 used to replace expired federal funding for the drug court
- 5 25 program.
- 5 26 d. Of the funds appropriated in this subsection, \$291,731
- 5 27 is allocated to the fourth judicial district department of
- 5 28 correctional services. Of the funds allocated, \$100,000 shall
- 5 29 be used for community=based corrections, and \$191,731 shall be
- 5 30 used for the drug court program.

Requires an allocation of \$366,216 for Community-Based Corrections District I. Of the allocation amount, \$100,000 is to be used for community-based corrections, \$138,000 is to be used to regionalize the drug court in Black Hawk County, and \$128,216 is to be used to replace the loss of federal funds for dual diagnosis offenders.

DETAIL: This is an increase of \$138,000 compared to the estimated FY 2008 allocation level for Community-Based Corrections District I.

Requires an allocation of \$406,217 for Community-Based Corrections District II. Of the allocation amount, \$100,000 is to be used for community-based corrections and \$306,217 is to be used to replace the loss of federal funds for day programming and the drug court program. Of the allocation for day programming and the drug court program, \$50,000 is to be used for substance abuse treatment.

DETAIL: Maintains the current allocation level.

Requires an allocation of \$200,359 for Community-Based Corrections District III. Of the allocation amount, \$100,000 is to be used for community-based corrections and \$100,359 is to be used to replace the loss of federal funds for the drug court program.

DETAIL: Maintains the current allocation level.

Requires an allocation of \$291,731 for Community-Based Corrections District IV. Of the allocation amount, \$100,000 is to be used for community-based corrections and \$191,731 is to be used for the drug court program.

DETAIL: Maintains the current allocation level.

Requires an allocation of \$355,693 for Community-Based Corrections

PG LN	LSB5008S	Explanation
5 32 is allocated to the fifth ju 5 33 correctional services. C	udicial district department of of the funds allocated, \$100,000 shall	District V. Of the allocation amount, \$100,000 is to be used for community-based corrections and \$255,693 is to be used to replace
	=based corrections, and \$255,693 shall be	the loss of federal funds for the drug court program.
<ul><li>5 35 used to replace expired</li><li>6 1 program.</li></ul>	federal funding for the drug court	DETAIL: Maintains the current allocation level.
<ul><li>6 3 is allocated to the sixth j</li><li>6 4 correctional services. Of</li><li>5 be used for community=</li><li>6 to replace expired federal</li></ul>	f the funds allocated, \$100,000 shall be used	Requires an allocation of \$494,741 for Community-Based Corrections District VI. Of the allocation amount, \$100,000 is to be used for community-based corrections, \$64,741 is to be used to replace the loss of federal funds for dual diagnosis offenders, and \$330,000 is to be used to establish drug court programs in Johnson and Linn Counties.
6 8 programs in Johnson ar	<u> </u>	DETAIL: Maintains the current allocation level.

6	9	g. Of the funds appropriated in this subsection, \$	\$232,232
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- 6 10 is allocated to the seventh judicial district department of
- 6 11 correctional services. Of the funds allocated, \$100,000 shall
- 6 12 be used for community=based corrections, and \$132,232 shall be
- 6 13 used to replace expired federal funding for the drug court
- 6 14 program.
- 6 15 h. Of the funds appropriated in this subsection, \$300,000
- 6 16 is allocated to the eighth judicial district department of
- 6 17 correctional services. Of the funds allocated, \$100,000 shall
- 6 18 be used for community=based corrections, and \$200,000 shall be
- 6 19 used to implement an adult drug court program.
- 6 20 i. Of the funds appropriated in this subsection,
- 6 21 \$1,497,285 is allocated to the Fort Madison correctional
- 6 22 facility for the clinical care unit.

6 23 j. Of the funds appropriated in this subsection, \$30,000

Requires an allocation of \$232,232 for Community-Based Corrections District VII. Of the allocation amount, \$100,000 is to be used for community-based corrections and \$132,232 is to be used to replace the loss of federal funds for the drug court program.

DETAIL: Maintains the current allocation level.

Requires an allocation of \$300,000 for Community-Based Corrections District VIII. Of the allocation amount, \$100,000 is to be used for community-based corrections and \$200,000 is to be used to implement an adult drug court program.

DETAIL: Maintains the current allocation level.

Allocates \$1,497,285 for operating the special needs unit at the Fort Madison Correctional Facility.

DETAIL: Maintains the current allocation level.

Healthy Iowans Tobacco Trust appropriation for a transitional housing

PG LN LSB5008S **Explanation** 6 24 is allocated for a transitional housing pilot project for pilot project for offenders on parole that are in the early recovery stages of substance abuse. 6 25 offenders on parole who are in the early stages of recovery 6 26 from substance abuse. The department of corrections shall DETAIL: This is a new allocation for FY 2009. 6 27 contract with a private nonprofit substance abuse treatment 6 28 provider in a city with a population exceeding 65,000 but not 6 29 exceeding 75,000 to implement the pilot project. The 6 30 department shall file a report with the co-chairpersons and 6 31 ranking members of the joint appropriations subcommittee on 6 32 the justice system and the legislative services agency by 6 33 February 1, 2009, detailing the number of offenders served by 6 34 the pilot project, the recidivism rate, a description of the 6 35 types of services received by the offenders, and the number of 7 1 prison bed days saved by the pilot project. Sec. 2. PURCHASE OF SERVICE CONTRACT PROVIDERS == Healthy Iowans Tobacco Trust Appropriation to the Property Tax Relief Fund for continuation of the local purchase of service provider 7 3 REIMBURSEMENT INCREASE. There is appropriated from the salary increase for FY 2009. 7 4 healthy lowans tobacco trust created in section 12.65 to the 7 5 property tax relief fund created in section 426B.1 for the DETAIL: Maintains the current level of support. 7 6 fiscal year beginning July 1, 2008, and ending June 30, 2009, 7 7 the following amount, or so much thereof as is necessary, to 7 8 be used for the purposes designated: For assistance to the counties with limited county mental 7 10 health, mental retardation, and developmental disabilities 7 11 services fund balances which were selected in accordance with 7 12 2000 Iowa Acts, chapter 1221, section 3, to receive such 7 13 assistance in the same amount provided during the fiscal year

7 18 Sec. 3. IOWA EMPOWERMENT FUND. There is appropriated from

7 19 the healthy lowans tobacco trust created in section 12.65 to

7 14 beginning July 1, 2000, and ending June 30, 2001, to pay
7 15 reimbursement increases in accordance with 2000 lowa Acts.

7 17 ...... \$ 146,750

7 16 chapter 1221, section 3:

7 20 the lowa empowerment fund created in section 28.9 for the

7 21 fiscal year beginning July 1, 2008, and ending June 30, 2009,

7 22 for deposit in the school ready children grants account:

Healthy Iowans Tobacco Trust appropriation to the Iowa Empowerment Fund.

DETAIL: Maintains the current level of support.

PG LN	LSB5008S	Explanation
7 23	\$ 2,153,250	
7 25 appropriat 7 26 section 12 7 27 the fiscal 7 28 2009, the 7 29 necessary 7 30 For allow 7 31 for the low 7 32 for not mo 7 33 positions: 7 34	IOWA COMMISSION ON VOLUNTEER SERVICES. There ted from the healthy lowans tobacco trust created in 2.65 to the department of economic development for year beginning July 1, 2008, and ending June 30, following amount, or so much thereof as is y, to be used for the purpose designated: cation to the lowa commission on volunteer services wa's promise and mentoring partnership program and one than the following full=time equivalent  \$ 125,000  FTEs 1.00	Healthy Iowans Tobacco Trust appropriation to the Department of Economic Development for the Iowa Promise and Mentoring Partnership Program.  DETAIL: Maintains the current level of support.
8 2 from the h 8 3 to the depa 8 4 July 1, 200 8 5 or so mucl 8 6 designated 8 7 To contil 8 8 availability 8 9 provided in	DEPARTMENT OF EDUCATION. There is appropriated lealthy lowans tobacco trust created in section 12.65 artment of education for the fiscal year beginning 08, and ending June 30, 2009, the following amount, h thereof as is necessary, to be used for the purpose d:  nue the competitive grants program to expand the of the before and after school grant program as n section 256.26:  \$ 505,000	Healthy Iowans Tobacco Trust appropriation to the Department of Education to continue the competitive grant program to expand before and after school programs.  DETAIL: This is an increase of \$200,000 compared to the estimated FY 2008 appropriation for before and after school programs.
8 12 Notwithsta 8 13 unencuml 8 14 lowa's hea 8 15 of the fisc	ENDOWMENT FOR IOWA'S HEALTH ACCOUNT == TRA anding any provision of law to the contrary, the bered or unobligated balance of the endowment for alth account created in section 12E.12 at the close cal year beginning July 1, 2007, shall be ed to the healthy lowans tobacco trust created in 2.65.	NSFER. CODE: Provides for the transfer of any funds remaining in the Endowment for lowa's Health Account at the end of FY 2008 to the HITT Fund.  DETAIL: Any remaining funds are expected to be minimal.
8 18 Sec. 7.	EFFECTIVE DATE. The section of this division of	Specifies that the requirement to transfer remaining funds from the

PG LN	LSB5008S	Explanation
<ul><li>8 20 year beginning</li><li>8 21 health account</li></ul>	erring the balance at the end of the fiscal graphs July 1, 2007, in the endowment for lowa's to the healthy lowans tobacco trust, being mediate importance, takes effect upon enactment.	Endowment for lowa's Health Account to the HITT Fund takes effect on enactment.
8 23 DIVISION II 8 24 HEALTHY IOV	VANS TOBACCO TRUST == REPEAL	
8 25 Sec. 8. Secti 8 26 by striking the	ion 12E.2, subsection 5, Code 2007, is amended subsection.	CODE: Eliminates the statutory definition of the term HITT to reflect elimination of the Fund.
8 28 amended to re 8 29 10. "Program 8 30 plan dated Feb 8 31 program plan, 8 32 council and the 8 33 secure and sta	n plan" means the tobacco settlement program or plan" 14, 2001, including exhibits to the submitted by the authority to the legislative executive council, to provide the state with a able source of funding for the purposes section 12E.3A and other provisions of this	CODE: Technical correction to reflect the elimination of the HITT Fund.
<ul><li>9 2 2007, is amend</li><li>9 3 a. To implem</li><li>9 4 establish a stab</li></ul>	tion 12E.3, subsection 2, paragraph a, Code ded to read as follows: ent and administer the program plan and to ble source of revenue to be used for the gnated in section 12E.3A and other provisions of d section 12.65.	CODE: Technical correction to reflect the elimination of the HITT Fund.
9 8 ACCOUNT == 9 9 1. The genera 9 10 purposes state 9 11 lowans tobacc	V SECTION . 12E.3A ENDOWMENT FOR IOWA'S HEALTH PURPOSES. all assembly reaffirms and reenacts the ed for the use of moneys deposited in the healthy to trust, as the purposes were enacted in 2000 apter 1232, section 12, and codified in section	CODE: Specifies and re-affirms the purpose for the Endowment for lowa's Health Account.

9 13 12.65, Code 2007, as the purposes for the endowment for lowa's

- 9 14 health account. The purposes include those purposes related
- 9 15 to health care, substance abuse treatment and enforcement.
- 9 16 tobacco use prevention and control, and other purposes related
- 9 17 to the needs of children, adults, and families in the state.
- 9 18 2. Any net proceeds from the sale of taxable bonds or
- 9 19 tax=exempt bonds issued to provide funds for the purposes
- 9 20 stated in section 12.65, Code 2007, and as reaffirmed and
- 9 21 reenacted in subsection 1 shall continue to be used for such
- 9 22 purposes, including but not limited to any such proceeds
- 9 23 deposited in the endowment for lowa's health account or
- 9 24 transferred or otherwise credited to the general fund of the
- 9 25 state.
- 9 26 Sec. 12. Section 12E.9, subsection 1, paragraph b,
- 9 27 subparagraphs (3) and (6), Code 2007, are amended to read as
- 9 28 follows:
- 9 29 (3) An agreement that the anticipated use by the state of
- 9 30 bond proceeds received pursuant to the sales agreement shall
- 9 31 be for capital projects, certain debt service on outstanding
- 9 32 obligations that funded capital projects, payment of attorney
- 9 33 fees related to the master settlement agreement, and to
- 9 34 provide a secure and stable source of funding to the state for
- 9 35 purposes designated by section 12E.3A and other provisions of
- 10 1 this chapter and section 12.65.
- 10 2 (6) A requirement that the net proceeds received by the
- 10 3 authority from the sale of taxable bonds or tax=exempt bonds
- 10 4 issued to provide funds for the purposes specified in section
- 10 5 12E.3A be deposited in the endowment for lowa's health
- 10 6 account of the tobacco settlement trust fund as moneys of the
- 10 7 authority until transferred to the state pursuant to section
- 10 8 12E.12, subsection 1, paragraph "b", subparagraph (2). Each
- 10 9 amount transferred shall be the consideration received by the
- 10 10 state for that portion of the state's share.

CODE: Technical correction to reflect the elimination of the HITT Fund.

PG LN	LSB5008S	Explanation
10 13 (3) The 10 14 tax=exem	raph (3), Code 2007, is amended to read as follows: authority may also issue taxable bonds or upt bonds to provide additional amounts to be used for ses specified in section 12.65 12E.3A.	Fund.
10 17 amended 10 18 1. The a 10 19 shall make 10 20 pursuant of 10 21 certain de 10 22 capital pro 10 23 settlemen 10 24 source of 10 25 of section 10 26 section 10 27 subject to 10 28 shall dete 10 29 and the m 10 30 issued pu 10 31 all or a po 10 32 from the s 10 33 authority of 10 34 settlemen 10 35 bonds, inc 11 1 refunding of	to read as follows: authority may issue bonds and, if bonds are issued, e the proceeds from the bonds available to the state to the sales agreement to fund capital projects, but service on outstanding obligations that funded ojects, and attorney fees related to the master agreement, and to provide a secure and stable funding to the state, consistent with the purposes 12E.3A and other provisions of this chapter and the terms of the sales agreement, the authority rmine the terms and other details of the financing aethod of implementation of the program plan. Bonds resuant to this section may be secured by a pledge of ortion of the state's share and any moneys derived state's share, and any other sources available to the with the exception of moneys in the tobacco at trust fund. The authority may also issue refunding cluding advance refunding bonds, for the purpose of previously issued bonds, and may issue other types debt obligations, and financing arrangements to fulfill its purposes or the purposes of this	CODE: Technical correction to reflect the elimination of the HITT Fund.
11 6 subparagra 11 7 (2) The 6 11 8 ( <u>a)</u> The 11 9 bonds issu	Section 12E.12, subsection 1, paragraph b, aph (2), Code 2007, is amended to read as follows: endowment for lowa's health account. net proceeds of any taxable bonds or tax=exempt used to provide funds for the purposes specified in 2.65 12E.3A, which the authority is directed to	CODE: Makes statutory changes related to elimination of the HITT Fund. Specifies funds in the Endowment for Iowa's Health Account are transferred to the General Fund beginning July 1, 2010.  DETAIL: Any remaining funds are expected to be minimal.

11	11	deposit in	the account,	any por	tion of	the st	ate's	share	whic	:t
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- 11 12 is not sold to the authority, and any other moneys
- 11 13 appropriated by the state for deposit in the account shall be
- 11 14 deposited in the account and shall be used for the purposes
- 11 15 specified in section 12.65 12E.3A.
- (a) There is transferred from the endowment for lowa's 11 16
- 11 17 health account of the tobacco settlement trust fund to the
- 11 18 healthy lowans tobacco trust for the fiscal year beginning
- 11 19 July 1, 2001, and ending June 30, 2002, the amount of
- 11 20 fifty=five million dollars, to be used for the purposes
- 11 21 specified in section 12.65.
- (b) For each fiscal year beginning July 1, 2002 2009, and
- 11 23 annually thereafter, there is transferred from the moneys
- 11 24 deposited in the endowment for lowa's health account of the
- 11 25 tobacco settlement trust fund are transferred to the healthy
- 11 26 lowans tobacco trust fifty=five million dollars plus an
- inflationary factor of one and one=half percent of the amount
- 11 28 transferred in the previous fiscal year. Any transfer in an
- 11 29 amount not in accordance with this subparagraph shall not be
- 11 30 made unless authorized by a three-fifths majority of each
- 11 31 house and approved by the governor general fund of the state.
- 11 32 The moneys transferred shall be used for the purposes
- 11 33 specified in section 12E.3A.
- Sec. 16. Section 12E.17, Code 2007, is amended to read as
- 11 35 follows:
- 12E.17 DISSOLUTION OF THE AUTHORITY. 12 1
- The authority shall dissolve no later than two years from
- 12 3 the date of final payment of all outstanding bonds and the
- 12 4 satisfaction of all outstanding obligations of the authority,
- 12 5 except to the extent necessary to remain in existence to
- 12 6 fulfill any outstanding covenants or provisions with
- 12 7 bondholders or third parties made in accordance with this
- 12 8 chapter. Upon dissolution of the authority, all assets of the
- 12 9 authority shall be returned to the state and shall be
- 12 10 deposited in the healthy lowans tobacco trust general fund of
- 12 11 the state, unless otherwise directed by the general assembly,

CODE: Specifies upon dissolution of the Authority assets and funds are to be deposited in the General Fund of the State.

PG LN LSB5008S	
12 12 and the authority shall execute any necessary assignments or 12 13 instruments, including any assignment of any right, title, or 12 14 ownership to the state for receipt of payments under the 12 15 master settlement agreement.	
12 16 Sec. 17. Section 12.65, Code 2007, is repealed.	
12 17 Sec. 18. EFFECTIVE DATE. This division of this Act takes 12 18 effect June 30, 2009.	
12 19 DIVISION III 12 20 APPROPRIATIONS AND BALANCES == REVERSIONS	
12 21 Sec. 19. HEALTHY IOWANS TOBACCO TRUST AND ENDOWMENT FOR 12 22 IOWA'S HEALTH ACCOUNT == REVERSION. 12 23 1. Notwithstanding any provision of law to the contrary, 12 24 moneys from appropriations that remain unencumbered or 12 25 unobligated at the close of the fiscal year beginning July 1, 12 26 2008, or the close of any succeeding fiscal year that would 12 27 otherwise be required by law to revert to, be deposited in, or 12 28 to be credited to the healthy lowans tobacco trust or the 12 29 endowment for lowa's health account shall instead be credited 12 30 to the general fund of the state. 13 1 2. Notwithstanding any provision of law to the contrary, 14 32 the unencumbered or unobligated balances of the healthy lowans 15 33 tobacco trust at the close of the fiscal year beginning July 16 34 1, 2008, or the endowment for lowa's health account at the 17 35 close of the fiscal year beginning July 1, 2008, or the close 18 1 of any succeeding fiscal year shall be transferred to the 19 10 30 4 5 10 5 10 5 10 5 10 5 10 5 10 5 10 5	DR

13 4 Division I of this bill relates to and makes appropriations

13 3 EXPLANATION

CODE: Repeals the HITT Fund.

Specifies that this Division making statutory changes to reflect the elimination of the HITT Fund and dissolution of the Tobacco Authority is effective June 30, 2009.

**Explanation** 

CODE: Requires any unexpended or unencumbered funds remaining in the HITT Fund or the Endowment at the end of FY 2009 to revert to the General Fund.

- 13 5 from the healthy lowans tobacco trust to the following
- 13 6 departments for fiscal year 2008=2009:
- 13 7 To the department of human services:
- 13 8 1. For child and family services including for
- 13 9 reimbursement of adoption, independent living, shelter care,
- 13 10 and home studies services providers, and other service
- 13 11 providers under the purview of the department of human
- 13 12 services.
- 13 13 2. For supplementation of the state supplementary
- 13 14 assistance program.
- 13 15 3. For general administration of health=related programs.
- 13 16 To the lowa department of public health:
- 13 17 1. For the tobacco use prevention and control initiative
- 13 18 and for additional substance abuse treatment.
- 13 19 2. For development of a healthy lowans 2010 plan for the
- 13 20 following purposes: for essential public health services that
- 13 21 promote healthy aging throughout the lifespan, contracted
- 13 22 through a formula by local boards of health, to enhance health
- 13 23 promotion and disease prevention services; for the
- 13 24 continuation and support of a coordinated system of delivery
- 13 25 of trauma and emergency medical services; for the poison
- 13 26 control center: for development of scientific and medical
- 13 27 expertise in environmental epidemiology; and for the childhood
- 13 28 lead poisoning prevention program.
- 13 29 3. For the center for congenital and inherited disorders.
- 13 30 4. For a grant program to provide substance abuse
- 13 31 prevention programming for children with specific criteria.
- 13 32 5. For a grant program for individuals with
- 13 33 phenylketonuria (PKU).
- 13 34 6. For leveraging of federal funds under the federal Ryan
- 13 35 White Care Act.
- 14 1 7. For a grant to provide education, programming, and
- 14 2 support for people living with epilepsy and their families.
- 14 3 To the department of corrections: for community=based
- 14 4 corrections, day programming, the drug court program, for the
- 14 5 Fort Madison correctional facility for the clinical care unit,
- 14 6 and for a transitional housing pilot project for offenders on
- 14 7 parole.

- The bill appropriates funds for fiscal year 2008=2009 to
- 14 9 the property tax relief fund for the fiscal year beginning
- 14 10 July 1, 2008, and ending June 30, 2009, for assistance to
- 14 11 counties with limited county mental health, mental
- 14 12 retardation, and developmental disabilities services fund
- 14 13 balances to pay reimbursement increases in the same amount as
- 14 14 provided in the fiscal year beginning July 1, 2000, and ending
- 14 15 June 30, 2001.
- The bill appropriates funds to the lowa empowerment fund
- 14 17 for the fiscal year beginning July 1, 2008, and ending June
- 14 18 30, 2009, for deposit in the school ready children grants
- 14 19 account.
- The bill appropriates funds to the department of economic
- 14 21 development for fiscal year 2008=2009 for allocation to the
- 14 22 Iowa commission on volunteer services for the Iowa's promise
- 14 23 and mentoring partnership program.
- 14 24 The bill appropriates funds to the department of education
- 14 25 to continue the competitive grants program to expand the
- 14 26 availability of the before and after school grant program.
- The bill provides for the transfer of additional funds from
- 14 28 the endowment for lowa's health account to the healthy lowans
- 14 29 tobacco trust for the fiscal year beginning July 1, 2007, and
- 14 30 ending June 30, 2008. This provision takes effect upon
- 14 31 enactment.
- Division II of this Act repeals Code section 12.65, which
- 14 33 creates the healthy lowans tobacco trust. New Code section
- 14 34 12E.3A reaffirms and reenacts the purposes specified in Code
- 14 35 section 12.65 for the healthy lowans tobacco trust as the
- 15 1 purposes for the endowment for lowa's health account. The
- 15 2 purposes are those related to health care, substance abuse
- 15 3 treatment and enforcement, tobacco use prevention and control,
- 15 4 and other purposes related to the needs of children, adults,
- 15 5 and families in the state.
- Under current law, the proceeds of bonds issued and other 15 6
- 15 7 moneys under the tobacco settlement authority are to be
- 15 8 deposited in various accounts, including the endowment for
- 15 9 Iowa's health account. Under current law, a portion of the
- 15 10 moneys in the endowment for lowa's health account are then

15 11 transferred to the healthy lowans tobacco trust. Under t
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- 15 12 bill, with the repeal of the healthy lowans tobacco trust the
- 15 13 moneys deposited in the endowment for lowa's health account
- 15 14 are transferred to the general fund of the state instead of
- 15 15 the healthy lowans tobacco trust.
- 15 16 Division II takes effect June 30, 2009.
- 15 17 Division III provides that any moneys from an appropriation
- 15 18 remaining at the close of FY 2008=2009 or the close of any
- 15 19 succeeding fiscal year that are required by law to revert to
- 15 20 the healthy lowans tobacco trust or the endowment for lowa's
- 15 21 health account are required to be credited instead to the
- 15 22 general fund of the state. The unencumbered or unobligated
- 15 23 balances of the healthy lowans tobacco trust at the close of
- 15 24 FY 2008=2009 or the endowment for lowa's health account at the
- 15 25 close of FY 2008=2009 or the close of any succeeding fiscal
- 15 26 year are required to be transferred to the general fund of the
- 15 27 state.
- 15 28 LSB 5008XC 82
- 15 29 pf/jp/24.4

# Summary Data Other Funds

	 Actual FY 2007 (1)	 Estimated FY 2008 (2)	Se	nate Subcom FY 2009 (3)	Senate Sub vs. Est 2008 (4)	Page and Line # (5)
Economic Development	\$ 125,000	\$ 125,000	\$	125,000	\$ 0	
Education	2,433,250	2,458,250		2,658,250	200,000	
Health and Human Services	64,006,601	63,521,601		28,154,033	-35,367,568	
Justice System	 3,986,472	4,006,474		4,174,474	 168,000	
Grand Total	\$ 70,551,323	\$ 70,111,325	\$	35,111,757	\$ -34,999,568	

### **Economic Development**

Other Funds

	Actual FY 2007		Estimated FY 2008	Sei	nate Subcom FY 2009	vs. Es	te Sub st 2008	Page and Line #
	 (1)	-	(2)		(3)		4)	(5)
Economic Development, Dept. of								
Economic Development, Department of lowa Comm Volunteer SerHITT	\$ 125,000	\$	125,000	\$	125,000	\$	0	PG 7 LN 24
Total Economic Development, Dept. of	\$ 125,000	\$	125,000	\$	125,000	\$	0	
Total Economic Development	\$ 125,000	\$	125,000	\$	125,000	\$	0	

### **Education**

#### Other Funds

	 Actual FY 2007 (1)	_	Estimated FY 2008 (2)	Se	rnate Subcom FY 2009 (3)	Senate Sub vs. Est 2008 (4)	Page and Line #
Blind, lowa Commission for the							
Blind, Department of Audio Info. Service for Blind-HITT	\$ 130,000	\$	0	\$	0	\$ 0	
Total Blind, Iowa Commission for the	\$ 130,000	\$	0	\$	0	\$ 0	
Education, Department of							
Education, Department of Before/After School Grants-HITT Community Empowerment-HITT	\$ 150,000 2,153,250	\$	305,000 2,153,250	\$	505,000 2,153,250	\$ 200,000	PG 8 LN 1 PG 7 LN 18
Total Education, Department of	\$ 2,303,250	\$	2,458,250	\$	2,658,250	\$ 200,000	
Total Education	\$ 2,433,250	\$	2,458,250	\$	2,658,250	\$ 200,000	

### **Health and Human Services**

Other Funds

	 Actual FY 2007	 Estimated FY 2008	Se	nate Subcom FY 2009	Senate Sub vs. Est 2008	Page and Line #
	(1)	(2)		(3)	(4)	(5)
Public Health, Department of						
Public Health, Department of						
Ad. DisTobacco Use Prevention/Control-HITT Ad. DisSmoking Cessation Products-HITT	\$ 5,928,465 75.000	\$ 5,928,465 0	\$	5,928,265 0	\$ -200 0	PG 1 LN 23
Ad. DisSubstance Abuse Treatment-HITT	13.800.000	13.800.000		13.800.000	0	PG 2 LN 16
Ad. DisSub. Abuse Prevention for Kids-HITT	1,050,000	1,050,000		1,050,000	0	PG 3 LN 33
Chr. Con-PKU Assistance-HITT	100,000	100,000		100,000	0	PG 4 LN 25
Chr. Conlowa Stillbirth Evaluation Project-HITT	26,000	26,000		26,000	0	PG 3 LN 30
Chr. ConAIDS Drug Assistance Program-HITT	275,000	275,000		275,000	0	PG 4 LN 29
Pub. ProExternal Defibrillator Grant-HITT	350,000	40,000		0	-40,000	
Healthy Iowans 2010-HITT	2,509,960	2,509,960		2,509,960	0	PG 3 LN 6
Epilepsy Education-HITT	 0	100,000		100,000	0	PG 4 LN 33
Total Public Health, Department of	\$ 24,114,425	\$ 23,829,425	\$	23,789,225	\$ -40,200	
Human Services, Department of						
Human Services - Assistance						
General Administration-HITT	\$ 274,000	\$ 274,000	\$	274,000	\$ 0	PG 1 LN 21
POS Provider Increase-HITT	146,750	146,750		146,750	0	PG 7 LN 2
CHIP Expansion to 200% of FPL-HITT	200,000	0		0	0	
Other Service Providers IncHITT	0	182,381		182,381	0	PG 1 LN 17
Medical Assistance Combined-HITT	35,013,803	35,327,368		0	-35,327,368	
Child and Family Services-HITT	 4,257,623	3,761,677		3,761,677	 0	PG 1 LN 10
Total Human Services, Department of	\$ 39,892,176	\$ 39,692,176	\$	4,364,808	\$ -35,327,368	
Total Health and Human Services	\$ 64,006,601	\$ 63,521,601	\$	28,154,033	\$ -35,367,568	

# Justice System Other Funds

	 Actual FY 2007		Estimated FY 2008		Senate Subcom FY 2009		Senate Sub vs. Est 2008	Page and Line #
	 (1)		(2)		(3)		(4)	(5)
Corrections, Department of								
Community Based Corrections District 1 CBC District I - HITT	\$ 228,216	\$	228,216	\$	366,216	\$	138,000	PG 5 LN 5
Community Based Corrections District 2 CBC District II - HITT	\$ 406,216	\$	406,217	\$	406,217	\$	0	PG 5 LN 12
Community Based Corrections District 3 CBC District III - HITT	\$ 200,359	\$	200,359	\$	200,359	\$	0	PG 5 LN 20
Community Based Corrections District 4 CBC District IV - HITT	\$ 291,731	\$	291,731	\$	291,731	\$	0	PG 5 LN 26
Community Based Corrections District 5 CBC District V - HITT	\$ 355,692	\$	355,693	\$	355,693	\$	0	PG 5 LN 31
Community Based Corrections District 6 CBC District VI - HITT	\$ 164,741	\$	494,741	\$	494,741	\$	0	PG 6 LN 2
Community Based Corrections District 7 CBC District VII - HITT	\$ 232,232	\$	232,232	\$	232,232	\$	0	PG 6 LN 9
Community Based Corrections District 8 CBC District VIII - HITT	\$ 300,000	\$	300,000	\$	300,000	\$	0	PG 6 LN 15
Corrections-Central Office Transitional Housing - HITT	\$ 0	\$	0	\$	30,000	\$	30,000	PG 6 LN 23
Corrections - Fort Madison Ft. Madison CCU - HITT	\$ 1,497,285	\$	1,497,285	\$	1,497,285	\$	0	PG 6 LN 20
Corrections - Newton Newton Value Based Treatment-HITT	\$ 310,000	\$	0	\$	0	\$	0	
Total Corrections, Department of	\$ 3,986,472	\$	4,006,474	\$	4,174,474	\$	168,000	
Total Justice System	\$ 3,986,472	\$	4,006,474	\$	4,174,474	\$	168,000	

## **Summary Data**

FTE

	Actual FY 2007 (1)	Estimated FY 2008 (2)	Senate Subcom FY 2009 (3)	Senate Sub vs. Est 2008 (4)	Page and Line #
Economic Development	0.00	0.00	1.00	1.00	
Health and Human Services	8.26	9.00	11.00	2.00	
Grand Total	8.26	9.00	12.00	3.00	

# **Economic Development** FTE

	Actual FY 2007 (1)	Estimated FY 2008 (2)	Senate Subcom FY 2009 (3)	Senate Sub vs. Est 2008 (4)	Page and Line # (5)
Economic Development, Dept. of					
Economic Development, Department of lowa Comm Volunteer SerHITT	0.00	0.00	1.00	1.00	PG 7 LN 24
Total Economic Development, Dept. of	0.00	0.00	1.00	1.00	
Total Economic Development	0.00	0.00	1.00	1.00	

### **Health and Human Services**

FTE

	Actual FY 2007 (1)	Estimated FY 2008 (2)	Senate Subcom FY 2009 (3)	Senate Sub vs. Est 2008 (4)	Page and Line # (5)
Public Health, Department of					
Public Health, Department of Ad. DisTobacco Use Prevention/Control-HITT	4.92	5.00	7.00	2.00	PG 1 LN 23
Healthy Iowans 2010-HITT	3.33	4.00	4.00	0.00	PG 3 LN 6
Total Public Health, Department of	8.26	9.00	11.00	2.00	
Total Health and Human Services	8.26	9.00	11.00	2.00	

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